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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,902	07/23/2001	Omar M.A. Gadir	07575-053001	4192
26181	7590	01/25/2005	EXAMINER	
<b>FISH &amp; RICHARDSON P.C.</b> 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402				DAMIANO, ANNE L
ART UNIT		PAPER NUMBER		
		2114		

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/911,902	GADIR ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Anne L Damiano	2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 10 November 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 24-40 is/are allowed.
- 6) Claim(s) 1,2,4,22 and 23 is/are rejected.
- 7) Claim(s) 3 and 5-21 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 July 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachments(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

*Allowable Subject Matter*

1. Claims 24-40 are allowed.
  
2. Claims 3 and 5-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Hay et al (2002/0120660).

As in claim 1, Hay discloses a file server system (paragraph 7 and paragraph 31: lines 4-7), comprising:

Two or more nodes (figure 1 and paragraph 29: lines 1-3), each node configured to run two or more virtual servers (paragraph 10: lines 1-5), each virtual server having as exclusive resources a virtual interface to clients and one or more file systems, wherein an exclusive resource of a virtual server can be seen by the virtual server and not by another virtual server (paragraphs 11, 12 and 33). (Each virtual server having exclusive use to file space (paragraph 33: lines 1-5) implies that each virtual server has an exclusive interface to such file space.)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hay et al (2002/0120660), '660 hereafter, as applied to claim 1 above, and further in view of Hay (2002/0152322), '322 hereafter.

Regarding claim 2, '660 discloses nodes configured to run virtual servers, each with its own exclusive interface above. '660 also discloses the virtual servers of the system being able to service requests from clients received via the internet (paragraph 31: lines 4-7). However, '660 does not specifically disclose the virtual interface comprising a virtual IP address.

‘322 discloses a system with virtual servers with each virtual server having it’s own IP address (paragraph 37).

It would have been obvious to a person skilled in the art at the time the invention was made to use virtual IP addresses on the virtual interfaces in the system taught by ‘660. It would have been obvious because Hay in ‘660 teaches of clients making requests via the internet to virtual servers and Hay himself teaches in ‘322 of accessing virtual server through it’s IP address (paragraph 37). A person skilled in the art would have understood, that Hay felt it was unnecessary to particularly discloses virtual IP addresses for the virtual servers in the ‘660 application, however, intended for their use particularly when clients make requests to virtual servers.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hay et al. (2002/0120660) as applied to claim 1 above, and further in view of Kandasamy et al (5,513,314).

Regarding claim 4, Hay discloses the virtual servers with virtual interfaces to clients above. However, Hay does not specifically disclose the clients accessing the file system.

Kandasamy discloses a fault tolerant NFS server system comprising virtual servers wherein a client accesses the file system using NFS protocol (column 16: lines 36-44).

It would have been obvious to a person skilled in the art at the time the invention was made to use the NFS protocol to enable client accesses to the file systems in the system taught by Hay. I would have been obvious not only because Hay’s system is implemented on UNIX and

NFS is the file-sharing standard for UNIX, but also because Kandasamy teaches that NFS protocol can be used in a failover, virtual server environment.

8. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hay et al (2002/0120660), '660 hereafter and further in view of Hay (2002/0152322), '322 hereafter.

Regarding claim 22, '660 discloses a file server system (paragraph 7 and paragraph 31: lines 4-7) comprising a node configured with a virtual server (paragraph 10: lines 1-5), the virtual server having as exclusive resources one or more file systems, wherein an exclusive resource of a virtual server can be seen by the virtual server and not by another virtual server (paragraphs 11, 12 and 33).

'660 also discloses the virtual servers of the system being able to service requests from clients received via the internet (paragraph 31: lines 4-7). However, '660 does not specifically disclose the node having two or more simultaneously active virtual IP addresses.

'322 discloses a system with virtual servers with IP addresses associated with each virtual server (paragraph 34).

It would have been obvious to a person skilled in the art at the time the invention was made to use virtual IP addresses for the virtual servers in the system taught by '660. It would have been obvious because Hay in '660 teaches of clients making requests via the internet to virtual servers and Hay himself teaches in '322 of accessing virtual server through it's IP address (paragraph 37). A person skilled in the art would have understood, that Hay felt it was unnecessary to particularly discloses virtual IP addresses for the virtual servers in the '660

application, however, intended for their use particularly when clients make requests to virtual servers.

As in claim 23, '322 discloses the node being configured with a second virtual server (figure 1: components 111-113) having two or more other simultaneously active virtual IP addresses (paragraph 34). (Each virtual server has an associated IP address therefore the node has two or more other simultaneously active virtual IP addresses.2)

***Response to Arguments***

9. Applicant's arguments with respect to claim 1, 2, 4, 22 and 23 have been considered but are moot in view of the new ground(s) of rejection.
10. Applicant's arguments with respect to claims 24-40 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO-892.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (571) 272-3658. The examiner can normally be reached on M-F 9-6:30 first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALD



SCOTT BADERMAN  
PRIMARY EXAMINER